

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:19-cv-00477-CCE-LPA**

THE ESTATE OF NAJEE ALI BAKER,
by and through his Ancillary
Administrator, Jemel Ali Dixon,

Plaintiff,

v.

WAKE FOREST UNIVERSITY, a North
Carolina non-profit corporation and
institution of higher education; *et al.*,

Defendants

AFFIDAVIT OF CHIEF REGINA LAWSON

CHIEF REGINA LAWSON, first being duly sworn, deposes and says as follows:

1. I am over the age of 18 and under no disability. I have personal knowledge of the matters set forth herein, unless otherwise indicated.

2. I am employed as the Chief of Police of the Wake Forest University Police Department ("WFUPD"). I have held that position since 1992. Prior to taking this current position, I served as the Assistant Chief of Police of WFUPD from 1989 to 1992. Before that, I worked for the University of North Carolina at Wilmington Police Department, where my highest rank was lieutenant; for Stokes County Sheriff's Department, as a part-time communicator and records manager; and for the City of Wilmington and New Hanover County, as a member of the Joint Task Force. I have more than 31 years of experience with WFUPD and more than 37 years of experience in law enforcement.

3. As Chief of Police, I have supervisory authority over all divisions of WFUPD, including police, security, communications, and emergency management.

4. Founded in 1834, Wake Forest University (“WFU”) is one of the oldest institutions of higher learning in North Carolina. WFU, previously Wake Forest College, moved from Wake Forest, North Carolina, to Winston-Salem, North Carolina in 1956, and was designated Wake Forest University in 1967. WFU has been operating on its current campus for over 64 years.

5. In 2018, WFU had more than 8,000 students. Of those students, more than 5,000 were undergraduates and almost 4,000 lived on campus. In 2018, WFU had more than 6,000 full-time faculty and staff.

6. WFUPD is accredited through the International Association of Campus Law Enforcement Administrators (“IACLEA”), which is recognized as the leading authority for campus public safety. WFUPD was first accredited through IACLEA in 2008 and most recently reaccredited in May 2018 (four months after the death of Najee Baker).

7. WFU has, and had in January 2018, various safety measures in place on its main campus, including:

- a. Sworn, armed WFUPD patrolling officers;
- b. A mutual aid agreement with Winston-Salem Police Department (“WSPD”);
- c. Direct radio contact with WSPD and Forsyth County Emergency Management Services (“EMS”);

- d. WSPD off-duty officers working in areas immediately surrounding campus during certain hours;
- e. WFU student volunteer Emergency Medical Technicians (“EMTs”);
- f. Surveillance cameras at the Barn and other locations around campus;
- g. Blue light emergency call boxes, which will connect an individual directly with a dispatcher in the event of an emergency; and
- h. 24-hour security escort services if requested for students, employees, and guests traveling across campus.

8. WFU’s main campus is located on 340 acres in Winston-Salem. The main campus is accessible by foot at many points and regularly frequented by thousands of people, including visitors to the Reynolda House Museum of American Art, the Reynolda Gardens, and the Graylyn International Conference Center.

9. Between students, staff, and visitors, thousands of people are on the main campus on any given day.

10. From the creation of the Winston-Salem campus until 1996, no gatehouses existed at the entrances to the campus. Two gatehouses (one off University Parkway and one off Reynolda Road) were constructed in the Summer of 1996. The primary purpose of the gatehouses has never been to keep individuals from entering campus, although they are sometimes used for that purpose. The main purpose of the gatehouses is to reduce cut-through traffic and to allow WFU to restrict access to campus if the circumstances called for such a restriction. One such example of the latter is on student move-in days. Another is Presidential debates and similar events.

11. In January 2018, gatehouse security personnel followed guidelines for admitting vehicular traffic onto campus after 10pm, but used their discretion to account for competing security concerns. For example, pursuant to an agreement between WFUPD and WSPD, WFU must ensure that vehicle traffic entering campus does not back up onto the nearby major roads.

12. The Barn is a social event venue on WFU's main campus that opened in 2011 as a place for student organizations to host social functions. The Barn has a capacity of more than 500 people.

13. Since the Barn's opening in 2011, WFUPD officers and unarmed security officers were used at Barn parties where a larger number of attendees were expected.

14. Prior to 2014, there was no single office or department assigned to overall responsibility for the Barn or events hosted there. This resulted in issues with ticketing and capacity management, which sometimes led to physical altercations. Some altercations resulted in a large police response, including from WSPD.

15. Prior to 2014, WFUPD officers were usually the only professional staff present at Barn parties. As a result, WFUPD officers became the *de facto* event managers. Event management is not within the mission or training of law enforcement. During this time, WFUPD used the resource at its disposal to address problems at Barn parties—adding more police.

16. Increased numbers of police did not fix the problems, such as fights and other problematic behavior, at Barn parties. In addition, the increased police presence created

tensions with many students due to the lack of corresponding police presence at parties hosted at predominately-white fraternities and sororities on campus.

17. By 2013, it was clear that WFUPD was not the appropriate department to manage Barn events since police are not event managers and their efforts to address problems at the Barn were not working. Continuing to add more police to events was simply not the solution to the problems at the Barn.

18. In an attempt to address these issues, in November of 2013, I asked Clarence Birkhead, the former Chief of the Duke University Police Department, to attend a Barn party and make recommendations based on his observations. Despite implementing most of Chief Birkhead's suggestions, the problems at Barn parties (fights and other problematic behavior) continued.

19. In 2014, WFUPD staff, including myself and Special Events Sergeant James Gravely, worked with Dean of Students ("DOS") staff, including Dean Adam Goldstein, to design and implement a staffing plan that would facilitate well-managed and safe Barn events.

20. This new plan ("the Hybrid Approach") used a combination of the following staffing for Barn parties:

- a. WFUPD sworn officers;
- b. Professional licensed security officers from Rhino Sports & Entertainment ("Rhino");
- c. University-employed and trained students called Event Resource Managers ("ERMs");

- d. Student hosts from the student organization hosting the event;
- e. Advisors for the student organization hosting the event; and
- f. DOS staff members.

21. The results of the Hybrid Approach were positive. Among other things, the number of fights and other problematic behavior decreased substantially. For example, in the three-year period between the implementation of the Hybrid Approach and January 20, 2018, there were only 8 parties out of 31 where any physical altercations were noted. Two of those were just pushing and shoving and none of those incidents involved weapons. This represented a substantial improvement in problematic behavior at the Barn.

22. As the Hybrid Approach developed further, WFU was able to reduce the number of law enforcement present at Barn parties to one WFUPD sworn officer (although multiple other WFUPD officers were in the area and could respond quickly to any problems). While police officers generally prefer to have at least one other officer present at events, as a matter of officer safety and camaraderie, I agreed to try this reduction in law enforcement presence at the Barn. In my conversations with WSPD contacts, WSPD also agreed to this reduction. As noted, the results of the Hybrid Approach were positive and problem behavior at the Barn decreased significantly after the Approach was instituted.

23. Since the Barn's opening in 2011, there has never been an incident at the Barn involving deadly weapons.

24. There has never been a confirmed report of a firearm or a knife at a Barn party, other than firearms lawfully possessed by law enforcement.

25. The only incidents in which weapons were even mentioned in relation to the Barn were as follows:

- a. On November 6, 2015, WFUPD received a report of an individual in the area of the Barn carrying a bb gun or an air soft rifle (both non-lethal weapons). WFUPD thoroughly investigated this report and was unable to locate or identify any suspects or witnesses to confirm. No incidents occurred at the Barn party on this night.
- b. On November 16, 2013, a Barn party guest, while off campus, overheard someone else's phone conversation in which the caller said, "I just had a gun pulled on me." The guest did not know if the alleged incident occurred on campus or elsewhere. WFUPD thoroughly investigated and was unable to confirm the incident or learn any additional details.

26. The closest thing to a confirmed report of a weapon at the Barn was on April 4, 2014. After numerous law enforcement responded to crowd control issues, non-lethal pepper spray was discharged. WFUPD thoroughly investigated and was not able to determine who discharged the pepper spray, i.e., whether it was a guest, police officer, or someone else.

27. From WFU's relocation to Winston-Salem in 1956 until January 20, 2018, no homicides had ever occurred on campus.

28. From WFU's relocation to Winston-Salem in 1956 until January 20, 2018, no shootings had ever occurred on campus.

29. The crime rate on WFU's main campus is significantly lower than the crime rates of both Winston-Salem and North Carolina as a whole. *Compare generally* data available at U.S. Dep't of Educ, Campus Safety and Security, <https://ope.ed.gov/campussafety/#/customdata/search>, with N.C. State Bureau of Investigation, *Crime in North Carolina – 2017*, <https://www.ncsbi.gov/Services/SBI-Statistics/SBI-Uniform-Crime-Reports/2017-Annual-Summary.aspx> (Dec. 2018).

30. Fistfights are not uncommon at locations where young people congregate, such as on campus and at the Barn.

31. WFU is required to report on-campus crime statistics pursuant to the Clery Act, 20 U.S.C. § 1092(f).

32. Clery Act reports collect data regarding certain offenses (meaning reported offenses, without regard to findings of a court, jury, or prosecutor), including “aggravated assaults.” The Handbook for Campus Safety and Security Reporting that provided definitions and other guidance for Clery Act reports in effect during this time defines aggravated assault as “an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.” U.S. Dep't of Educ., Office of Postsecondary Educ., *The Handbook for Campus Safety and Security Reporting*, 3-10 (2016 ed.)

33. From 2015 to 2017, WFU's Clery Act reports indicate the following number of aggravated assault offenses on main campus:

a. 2015: 1

b. 2016: 2

c. 2017: 0

34. Among these aggravated assaults, none occurred inside, or in the vicinity of, the Barn. None of these aggravated assaults involved the use of a gun or conduct similar to the shooting of Baker. The aggravated assault in 2015 occurred on Hearn Plaza and involved an unknown individual, later determined to be a WFU student, striking another WFU student on the side of the head, resulting in a concussion. One aggravated assault in 2016 occurred in the Magnolia Residence Hall courtyard and involved a guest of a WFU student striking a WFU student on the head with his fist, resulting in stitches. The other aggravated assault in 2016 occurred near Tribble Hall and involved a domestic dispute between an employee of a janitorial services company that provides services to WFU and a visitor to campus during which threats were made with a box cutter but no injury resulted.

35. Clery Act reports collect data regarding certain arrests (meaning instances where a person is processed by arrest, citation, or summons), including for illegal weapons.

36. From 2015 to 2017, WFU's Clery Act reports indicate the following number of arrests for "illegal weapons" on main campus:

a. 2015: 3

b. 2016: 0

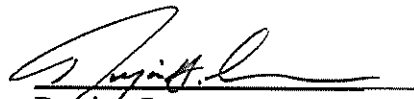
c. 2017: 0

37. As noted, there were no arrests for "illegal weapons" on campus in the two years before the shooting of Najee Baker. As to the three arrests in 2015, one arose from a student in possession of a hatchet and a knife, one arose from a student in possession of

a knife, and one arose from a non-student who was involved in an automobile accident on campus during which a pistol was recovered from his automobile.

FURTHER, Affiant sayeth not.

This the 26 day of May, 2021.


Regina Lawson

Surry County, North Carolina

Signed and sworn to (or affirmed) before me this day by Regina Lawson.

Date: May 26, 2021
Notary Public



Sheila Robertson
Printed Name of Notary Public

My commission expires: 8-15-23

